

in an amount range of 0.01 to 1 per part by weight of said one or more fatty acid monoglyceride(s).

12. (New) The skin preparation according to Claim 1, wherein said one or more fatty acid monoglyceride(s) are monoglyceride(s) of saturated or unsaturated fatty acids having 8 to 18 carbon atoms.

13. (New) The skin preparation according to Claim 1, wherein said one or more fatty acid monoglyceride(s) are selected from the group consisting of myristic acid monoglyceride, palmitic acid monoglyceride and stearic acid monoglyceride.

REMARKS

The claims have been amended to place them in more readable form and to specify that "one or more" fatty acid monoglyceride(s) and "one or more" vitamin A and derivative(s) thereof may be used. Basis for the amendments may be found on page 4, lines 4-10 and page 6, lines 1-15 of the specification. Claim 4 has been amended to remove the term "mixing ratio" and to replace it with the term "amounts" so that it is clear that the amounts of the fatty acid monoglyceride(s) and vitamin A and derivative(s) thereof are within particular ranges. New Claims 6-13 have been added to preferred embodiments. Basis for new Claim 6 may be found on page 8, lines 11-21 and Examples 1-8 of the specification. Basis for new Claim 7 may be found on page 7, line 25 through page 8, line 5 of the specification. Basis for new Claims 8 and 9 may be found on page 6, lines 16 through 25 of the specification. Basis for new Claim 10 may be found on page 5, lines 23-27 of the specification. Basis for new Claim 11 may be found on page 4, lines 16-21 of the specification. Basis for new Claims 12 and 13 may be found on page 4, lines 4-10 of the specification. No new matter has been added into the amended claims or new claims.

REQUEST FOR RECONSIDERATION

Claims 1-13 are active in the case.

The rejection of Claims 1-5 under 35 U.S.C. § 103(a) as unpatentable over Maybeck et al. in view of the Abstract of JP 4338311A is traversed.

Maybeck et al. fail to teach a cosmetic composition comprising a lamellar structure comprising one or more fatty acid monoglyceride(s) as a main component, and one or more of vitamin A and derivative(s) thereof. Maybeck et al. only teach that lipidic lamella phases may contain a retinoid. The Abstract of JP 4338311A teaches lamellar material based on fatty acid monoglycerides), but fails to teach one or more of vitamin A and derivative(s) thereof in the lamella material.

In addition to the above, superior results are shown for the composition of the present claims, as compared to the composition of the closest prior art, i.e., Maybeck et al. in Test Example 3 and Table 5 on page 16-18 of the specification and the accompanying Declaration Under 37 C.F.R. § 1.132.

In Test Example 3 for smell suppression of Vitamin A smell, a composition of the present invention in which glyceryl monopalmitate is used as the fatty acid monoglyceride in invention product 3, and comparative product 2, in which soybean lecithin is used, the same material used in the examples of Maybeck et al. as the lamella forming material, are compared. All other ingredients in the compositions were the same. In comparisons of Vitamin A smell immediately after preparation, smell after two weeks at 40°C and smell after four weeks at 40°C, the composition of the present invention using a fatty acid monoglyceride was much superior in suppression of vitamin A smell than was the composition using soybean lecithin, as in Maybeck et al. Therefore, the composition of the present invention using a fatty acid monoglyceride is shown to have superior properties in

Vitamin A smell suppression as compared to a composition using soybean lecithin as the lamella forming material as in Maybeck et al.

Further tests were carried out and the results are presented in a Declaration Under 37 C.F.R. 1.132. Examples 1 and 3 of the present invention containing different amounts of fatty acid monoglyceride are compared to examples 2 and 4 containing different amounts of soybean lecithin, the lamella forming material of Maybeck et al. and the results of the tests for generation of lamellar structure and generation of aggregation, which is an indication of how effectively the oil phase mixture is formed, are set forth in Table 2 on page 3 of the declaration. Superior results were shown for Example 1 of the present invention as compared to Example 2 of Maybeck et al., in which the same amounts of fatty acid monoglyceride and soybean lecithin were used, for both generation of lamellar structure and generation of aggregation and Example 3 of the present invention, as compared to Example 4 of Maybeck et al. in which the same amounts of fatty acid monoglyceride and soybean lecithin were used, also demonstrates superior results in both generation of lamellar structure and generation of aggregation for Example 3 of the present invention, as compared to Example 4 of Maybeck et al. Therefore, since superior results have been shown for compositions of the present invention in suppression of vitamin A smell, generation of lamellar structure and generation of aggregation, as compared to compositions using soybean lecithin according to Maybeck et al., it is submitted that the claims distinguish over the combination of references.

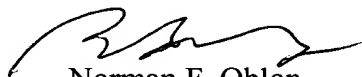
The rejection of Claim 4 under 35 U.S.C. § 112, second paragraph is traversed.

Claim 4 has been amended to delete "mixing ratio" and add "amounts" in order to specify clearly that it is amounts that are recited for the fatty acid monoglyceride(s) and the vitamin A or derivative(s) thereof. Claim 4 meets the requirements of 35 U.S.C. § 112.

Claims 1-13 are allowable and such action is respectfully requested.

Respectfully submitted,

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MARKED-UP COPY OF AMENDMENT

IN THE CLAIMS

1. (Amended) A skin preparation [for external use,] comprising a lamellar structure [containing a] comprising one or more fatty acid monoglyceride(s) as a main component, and one or more of vitamin A [or a] and derivative(s) thereof.

2. (Amended) The skin preparation [for external use] according to Claim 1, which comprises a lamellar structure prepared from an oil phase mixture containing [the] said one or more fatty acid monoglyceride(s) and said one or more of vitamin A [or the] and derivative(s) thereof.

3. (Amended) The skin preparation [for external use] according to Claim 1, wherein said one or more of vitamin A [or the] and derivative(s) thereof is contained within or covered with the lamellar structure composed mainly of [the fatty acid monoglyceride] said one or more fatty acid monoglyceride(s).

4. (Amended) The skin preparation [for external use] according to Claim 1, wherein the [mixing ratio] amounts of [the] said one or more vitamin A [or the] and derivative(s) thereof is 2 to 100 parts by weight for [the] said one or more fatty acid monoglyceride(s) per part by weight of said one or more vitamin A [or the] and derivative(s) thereof.

5. (Amended) The skin preparation [for external use] according to any one of the Claims 1 to 4, [which is] comprising a cosmetic composition.

6-13. (New).